

## **Abstract**

### **Criminal Aspects of Artificial Abortion**

This diploma thesis deals with the issue of artificial abortion, especially its criminal aspects. Legal aspects are not the most important aspects of artificial abortion. Social, ethical or ideological aspects are of the same importance but this diploma thesis cannot analyse all of them. The main issue with artificial abortion is whether it is possible to force a pregnant woman to carry a child and give birth to a child when she cannot or does not want to do so, and whether a state can prosecute a pregnant woman or anyone else for interrupting her pregnancy. The thesis is divided into an introduction, seven chapters and conclusion.

After a short introduction, the author of this thesis briefly defines the concept of artificial abortion. The following chapter focuses on two ideological groups – pro choice and pro life. The first group prefers mother's right to self-determination. The second group regards a human foetus as a person and considers killing the human foetus as a murder.

The third chapter is dedicated to historical development of artificial abortion. The author regards historical development as an important part of this thesis, especially for understanding the current legislation.

The fourth chapter analyzes the current legislation, the Abortion Act no. 66/1986 Coll. and the Criminal Code no. 40/2009 Coll., mainly crimes against pregnancy.

The fifth chapter shows the possible views on the protection of human foetus in criminal law. It is important to distinguish the moment when the protection begins and ends because it helps to distinguish a crime of murder from a crime against pregnancy.

The sixth chapter tries to prove that the current legislation in the Czech Republic is in accordance with the constitutional order of the Czech Republic and the international law.

The final chapter of this thesis is related to abortion legislation in selected countries, namely that of Anglo-Saxon law - the UK, Ireland and the USA. A brief part is also dedicated to Polish legislation which is very controversial.

Finally, the author summarizes the issue of artificial abortion and emphasises that criminal law cannot be regarded as the main and only solution of the complex issue of artificial abortion.